

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

STEPHANIE LYNN FORD,	:	
	:	C.A. No. 06-458
Plaintiff,	:	
	:	
v.	:	
	:	
CHRISTIANA CARE HEALTH SYSTEMS,	:	
RICHARD BURTON, and CLARA CLARK.	:	
	:	
Defendants.	:	

**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION  
TO CONSOLIDATE CIVIL ACTION NOS. 06-301 AND 06-458**

Pursuant to Federal Rule of Civil Procedure 42(a), Defendants Christiana Care Health Systems, Richard Burton, and Clare Clark, improperly named in the Complaint as Clara Clark, ("Defendants") respectfully request that this Court consolidate Civil Action Nos. 06-301 and 06-458 as related matters and transfer Civil Action No. 06-458 to Judge Kent A. Jordan, to whom Civil Action No. 06-301 is currently assigned.

1. On or about May 8, 2006, Plaintiff Stephanie Lynn Ford ("Plaintiff") filed a complaint against Defendants in the United States District Court for the District of Delaware ("Federal Complaint") which alleges that Christiana Care "wrongfully terminated her," that Ms. Clark "wrongfully refused her employment," and that Mr. Burton "wrongly refused to place [her] in a position," allegedly in violation of the Family and Medical Leave Act of 1993, the Americans with Disabilities Act, the Employee Retirement Security Act ("ERISA"), and "Title 18 Section 2301-2318." The Federal Complaint was assigned to Judge Jordan as Civil Action No. 06-301. Attached hereto as Exhibit A is a copy of the Federal Complaint.

2. On or about May 8, 2006 Plaintiff also filed a complaint against Defendants in the Court of Common Pleas for the State of Delaware, New Castle County ("State Complaint"). The State Complaint is identical<sup>1</sup> to the Federal Complaint, except for the claimed amount of damages. Attached hereto as Exhibit B is a copy of the State Complaint.

3. After being served with the State Complaint on July 14, 2006,<sup>2</sup> Defendants removed it to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 on July 28, 2006. The removed State Complaint was assigned Civil Action No. 06-458 in this Court. It has not yet been assigned to a judge.

4. In the interest of justice and judicial economy, this case should be consolidated with Civil Action No. 06-301, and transferred to Judge Jordan.

5. Rule 42(a) of the Federal Rules of Civil Procedure gives the district court broad discretion to consolidate actions involving a common question of law or fact when such consolidation will promote convenience and economy in judicial administration.

See Fed. R. Civ. P. 42(a); Honeywell Int'l Inc. v. AudioVox Comm. Corp., et al., Nos. 04-1337, 04-1338, 04-1538, 2005 WL 2465898, at \*4 (D. Del. May 18, 2005); D'Alessandro v. United States of Am., Nos. 04-137, 04-616, 2005 WL 984352, at \*1 (D. Del. Apr. 27, 2005).

6. Consolidating Civil Action Nos. 06-301 and 06-458 would foster judicial economy as these cases are not only related but are identical. They involve the same

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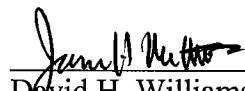
<sup>1</sup> Except for the jurisdictionally limited amount of damages in the Court of Common Pleas.

<sup>2</sup> Plaintiff served Ms. Clark and Christiana Care on July 14th. She has not yet served Mr. Burton. However, Mr. Burton is represented by undersigned counsel.

parties and the same allegations. Thus, consolidation of these two actions will avoid unnecessary duplication and will not prejudice Plaintiff in any way.

**WHEREFORE**, for all the foregoing reasons, Defendants respectfully request that Civil Action No. 06-458 be transferred to Judge Jordan and consolidated with Civil Action No. 06-301.

Respectfully submitted,

  
\_\_\_\_\_  
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Dated: August 4, 2006

Attorneys for Defendants

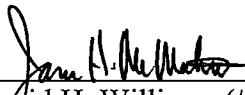
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

STEPHANIE LYNN FORD, :  
: Plaintiff, :  
: :  
v. : C.A. No. 06-458  
: :  
CHRISTIANA CARE HEALTH SYSTEMS, INC., :  
RICHARD BURTON, and CLARA CLARK, :  
: Defendants. :  
:

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that on August 4, 2006, I electronically filed the attached  
**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION  
TO CONSOLIDATE CIVIL ACTION NOS. 06-301 AND 06-458** with the Clerk of  
Court using CM/ECF, and that I have mailed by United States Postal Service the  
document to the following non-registered participant:

Stephanie Lynn Ford  
19 Albany Avenue  
New Castle, DE 19720

  
\_\_\_\_\_  
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James H. McMackin, III (#4284)  
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Of Counsel:

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Philadelphia, PA 19103  
(215) 963-5761/5543

Dated: August 4, 2006

Attorneys for Defendants

## **EXHIBIT A**

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

STEPHANIE LYNN FORD

Civil Action No. 06-301

Plaintiff,

v.

1. CHRISTIANA CARE HEALTH SYSTEMS
2. MR. RICHARD BURTON
3. MRS. CLARA CLARK

Defendants,

COMPLAINT

CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
6 general  
2006 MAY -8 FILED  
(FMLA) ACT  
S.C. Code ANN. Title  
CHAPTER 11  
TITLE 18 SECTION 2303  
TO 2318, SECTION  
502, ERISA, 29  
U.S.C. 1001,  
P.M.

1. Plaintiff, STEPHANIE LYNN FORD, resides at 19 Albany Ave. Newcastle, Delaware 19720.
2. Defendant, CHRISTIANA CARE HEALTH SYSTEMS resides at , or its business is located at Christiana Care Health Systems 200 Hygeia Drive Newark, Delaware 19713.
3. Defendant, MR. RICHARD BURTON / Professional Job Recruiter / resides at , or its business is located at Christiana Care Health Systems 200 Hygeia Drive Newark, Delaware 19713.
4. Defendant, Mrs. Clara Clark/ Medical Records Supervisor / resides at , or its business is located at Christiana Care Health Systems 200 Hygeia Drive Newark, Delaware 19713.
5. I the Plaintiff, Stephanie Lynn Ford have been working at the Christiana Care Health Systems for 17 years from August 24, 1987 to October 28, 2003, I was in a Hit & Run Automobile Accident on October 28, 2003, my injuries are CERVICAL THORACIC LUMBOSACRAL STRAIN, S/P R SIDED RIB TRAUMA, BILATERAL HAMSTRING STRAIN, R SHOULDER ARM AND FOREARM STRAIN. PLEASE SEE DOCTORS NOTES.
6. On April 12, 2004, I the Plaintiff, Stephanie Lynn Ford was released by the Dr. Ross Ufberg to return to work.

7. On April 13, 2004 I the Plaintiff, Stephanie Lynn Ford was cleared for work by the Christiana Care Health Systems Employee Nurse and were assigned a job recruiter by the Human Resources Department for a job placement. Assigned job recruiter Mr. Richard Burton setup an appointment with me for April 16, 2004, at 2:00 p.m.. The Defendant Mr. Richard Burton instructed me to apply online for employment and that my old clerk 03 position in the Radiology Department has been filled.
8. On April 23, 2004, I the Plaintiff Stephanie Lynn Ford called the Defendant via-telephone Mr. Richard Burton in reference to a job placement and he directly told me to "FIND OTHER EMPLOYMENT AT ANOTHER CORPORATION".
9. I the Plaintiff, Stephanie Lynn Ford called the Defendant Mr. Richard Burton on April 27, 2004 at 9:30 a.m. No return phone call or response, on April 30, 2004 No return phone call or response from the Defendant.
10. I the Plaintiff, Stephanie Lynn Ford have applied for 29 jobs at the Christiana Care Health Systems from April 12, 2004, PLEASE SEE INTENSIVE JOB SEARCH LOG SHEETS.
11. On May 28, 2004 , I the Plaintiff Stephanie Lynn Ford applied for the position in the Medical Records Health Information Management Department as a Clerk 03 position . ' I THE PLAINTIFF STEPHANIE LYNN FORD WANT TO INFORM THE COURT THAT I HAD PREVIOUS WORKED IN THIS SAME POSITION PRIOR FOR 9 YEARS AND WAS REFUSED THIS POSITION BY THE DEFENDANT MRS. CLARA CLARK.
12. I the Plaintiff Stephanie Lynn Ford called the Defendant Mrs. Clara Clark via-telephone and explain my situation to her about the accident, and that I needed a job and wanted to work, Consequently, she refused me the position.
13. CLAIM ONE : I THE PLAINTIFF STEPHANIE LYNN FORD am raising the issue of the unlawful misconduct and that the Defendant , Christiana Care Health Systems wrongfully terminated me . The Defendant , refuse to placed the Plaintiff in a job position without any due process of the law. The Defendant , Christiana Care Health Systems is in violation of the FAMILY MEDICAL LEAVE ACT OF 1993, (FMLA) , In violation of the DISABILITY DISCRIMINATION LAW ACT, In violation of the FAIR EMPLOYMENT PRACTICE LAW ACT, In violation of the TITLE 18 SECTION 2301 TO 2318 , SECTION 502 , ERISA , 29 U.S.C. 1132 .  

As a result, The Defendant, CHRISTIANA CARE HEALTH SYSTEMS terminated the The Plaintiff, Stephanie Lynn Ford PENSION PLAN BENEFITS, LIFE INSURANCE POLICY, MEDICAL BENEFITS, DENTAL INSURANCE PLAN, LONG TERM DISABILITY BENEFITS , PERSONAL ACCIDENT INSURANCE , PLAINTIFF, STEPHANIE LYNN FORD WAS FORCED TO CASH IN 401K PLAN TO PAY MORTGAGE .
14. CLAIM TWO: I THE PLAINTIFF STEPHANIE LYNN FORD am raising the issue of the unlawful misconduct and that the Defendant , Mr. RICHARD BURTON / JOB RECRUITER wrongfully without any due process of the law told the Plaintiff, Stephanie Lynn Ford quote "FIND OTHER EMPLOYMENT AT ANOTHER CORPORATION " end quote, The Defendant , Mr. Richard Burton wrongfully refused to placed the Plaintiff , Stephanie Lynn Ford in a position equal to my pay or any position that were available. After , I the plaintiff Stephaehie Lynn Ford have applied for 29 job positions at the Christiana Care Health Systems including the job I had Previously worked in for 9 years in the Medical Records Department. I spoke with the Defendant Mrs. Clara Clark by via-telephone and she refused me employment as well. Because of the misconduct and Employment Discriminatory action the Defendant Mr. Richard Burton is in violation of the FAMILY MEDICAL LEAVE ACT OF 1993 , (FMLA) , In violation of the DISABILITY DISCRIMINATION LAW ACT, In violation of the FAIR EMPLOYMENT PRACTICE LAW ACT, In violation of the TITLE 18 SECTION 2301 TO 2318 , SECTON 502 , ERISA , 29 U.S.C. 1132.

As a result , the Defendant Mr. Richard Burtons' misconduct caused the Plaintiff Stephanie Lynn Ford To LOSS PENSION PLAN BENEFITS, LIFE INSURANCE POLICY , MEDICAL BENEFITS , DENTAL INSURANCE PLAN , LONG TERM DISABILITY BENEFITS , PERSONAL ACCIDENT INSURANCE , PLAINTIFF, STEPHANIE LYNN FORD WAS FORCED TO CASH IN 401K PLAN TO PAY MORTGAGE.

15. CLAIM THREE: I THE PLAINTIFF, STEPHANIE LYNN FORD am raising the issue of unlawful Misconduct and that the Defendant , Mrs. CLARA CLARK wrongfully refused me employment in the Medical Records Department the position I had previously worked in prior for 9 years without any Due process of the law. The Defendant CLARA CLARK is in violation of the FAMILY MEDICAL LEAVE ACT OF 1993, (FMLA) , In dilatation of the DISABILITY DISCRIMINATATION LAW ACT, In violation of the FAIR EMPLOYMENT PRACTICE LAW ACT, In violationn of the TITLE 18 SECTION 2301 TO 2318 ,SECTION 502, ERISA , 29 U.S.C. 1132.

As a result , The Defendant, Mrs. CLARA CLARK caused the Plaintiff , Stephanie Lynn Ford to LOSS PENSION PLAN BENEFITS, LOSS LIFE INSURANCE POLICY , MEDICAL BENEFITS, DENTAL INSURANCE PLAN , LONG TERM DISABILITY BENEFITS , PERSONAL ACCIDENT INSURANCE , PLAINTIFF , STEPHANIE LYNN FORD WAS FORCED TO CASH IN 401k PLAN TO PAY MORTGAGE.

16. RELIEF: WHERFORE , PLAINTIFF STEPHANIE LYNN FORD , ASK THIS HONARABLE COURT TO GRANT PLAINTIFFS' MOTION AGAINST THE DEFENDANTS.

17. The Plaintiff , Stephanie Lynn Ford am requesting this HONORABLE COURT to grant Monetary damages in the amount of \$ 100,000 DOLLARS for PAIN AND SUFFERING MENTAL ANGUISH, LOSS PENSION BENEFITS , LOSS MEDICAL BENEFITS, WRONGFULLY TERMINATION OF EMPLOYMENT , LOSS DENTAL INSURANCE BENEFITS, LOSS \$ 75,000 DOLLARS LIFE INSURANCE POLICY , LOSS LONG TERM DISABILITY INSURANCE , LOSS PERSONAL ACCIDENT INSURANCE , Plaintiff is ALSO, IS REQUESTING LOSS WAGES WITH INTEREST, PLUS COURT COST AND ATTORNEY FEES.

Stephanie Lynn Ford  
19 Albany Ave.  
New Castle, Delaware  
19720  
May 8, 2006

## **EXHIBIT B**

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

STEPHANIE LYNN FORD

2006 - 05 - 191

Civil Action No.

Plaintiff,

v.

1. CHRISTIANA CARE HEALTH SYSTEMS
2. MR. RICHARD BURTON
3. MRS. CLARA CLARK

Defendants,

(FMLA) ACT  
S.C. Code ANN. Title 1  
CHAPTER 13,  
TITLE 18 SECTION 2301  
TO 2318, SECTION  
502, ERISA

COMPLAINT

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2. Defendant, CHRISTIANA CARE HEALTH SYSTEMS resides at , or its business is located at Christiana Care Health Systems 200 Hygeia Drive Newark, Delaware 19713.
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As a result, The Defendant, CHRISTIANA CARE HEALTH SYSTEMS terminated the The Plaintiff, Stephanie Lynn Ford PENSION PLAN BENEFITS, LIFE INSURANCE POLICY, MEDICAL BENEFITS, DENTAL INSURANCE PLAN, LONG TERM DISABILITY BENEFITS , PERSONAL ACCIDENT INSURANCE , PLAINTIFF , STEPHANIE LYNN FORD WAS FORCED TO CASH IN 401K PLAN TO PAY MORTGAGE .
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Stephanie Lynn Ford  
19 Albany Ave  
New Castle, Delaware  
19720

May 8, 2006